

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of \$350,000.00 Economic Development Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the construction and equipping of the Project.

WHEREAS, Fort Wayne, Indiana (the "Issuer") is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, construction, and equipping of said facilities either directly or by loan to a company and said facilities to be either directly owned by a company or leased to a company or sold to a company; and

WHEREAS, Country Roads, Inc. and Don Ehlerding Kawasaki, Inc. (the "Applicant") has advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer acquire, construct and equip an economic development facility and sell or lease the same to the Applicant or that the Issuer loan the proceeds of such a financing to the Applicant for such purposes, said economic development facility to be a construction of an addition to and an adjoining parking lot for an existing commercial retail motorcycle and snowmobile dealership, including the machinery and equipment to be installed therein, to be located at 6119 and 6129 U.S. 30 East, in the City of Fort Wayne, Indiana, on a tract of land containing approximately 64,640 square feet (the "Project"); and

WHEREAS, Country Roads, Inc. and Don Ehlerding Kawasaki, Inc., each a corporation, will guarantee all bond payments, if necessary; and

WHEREAS, the diversification of economic development and increase in job opportunities ( 5 new jobs) to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, having received the advise of the Fort Wayne Economic Development Commission, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and construction of the facility will not have an adverse competitive effect on any similar facility already constructed or operating in or about the area;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Common Council of the City of Fort Wayne, finds, determines, ratifies and confirms that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana, and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that the Fort Wayne Economic Development Commission and said Issuer take such action as it lawfully may to encourage diversification of industry and promotion of job opportunities in and near said Issuer.

SECTION 2. The Common Council of the City of Fort Wayne further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition,

construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loaning of the proceeds of such a financing to the Applicant for such purposes will serve the public purposes referred to above, in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, the Common Council of the City of Fort Wayne, hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided, that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

SECTION 4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of moneys expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses, attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of such financing to the Applicant for the same purposes.

APPROVED AS TO FORM AND  
LEGALITY *October 6, 1980.*

*John E. Hoffman*  
\_\_\_\_\_  
JOHN E. HOFFMAN  
City Attorney

*John E. Hoffman*  
\_\_\_\_\_  
COUNCILMAN

Read the first time in full and on motion by Sever,  
seconded by Sever, and duly adopted, read the second time  
by title and referred to the Committee Sever (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on 10-14-80, the 10 day of  
October, 1980, at 6 o'clock P.M., E.S.T.

DATE: 10-14-80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by J. Delmonico,  
seconded by Sever, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>BURNS</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>EISBART</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>GIAQUINTA</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>NUCKOLS</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>SCHMIDT, D.</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>SCHMIDT, V.</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>SCHOMBURG</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>STIER</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
<u>TALARICO</u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>

DATE: \_\_\_\_\_

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)  
(APPROPRIATION) ORDINANCE (RESOLUTION) No. \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of  
\_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of  
19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. R-80-10-11

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN  
ORDINANCE A RESOLUTION finding, determining and ratifying an  
inducement resolution of the Fort Wayne Economic Development  
Commission authorizing the issuance and sale of \$350,000.00  
Economic Development Revenue Bonds of the City of Fort. Wayne, Indiana,  
for the purpose of inducing the Applicant to proceed with the  
construction and equipping of the Project

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE W/D PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

*Vivian G. Schmidt*

JAMES S. STIER, VICE CHAIRMAN

*James S. Stier*

MARK E. GIAQUINTA

*Mark E. Giaquinta*

PAUL M. BURNS

*Paul M. Burns*

ROY J. SCHOMBURG

*Roy J. Schomburg*

10-27-81  
DATE \_\_\_\_\_ CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

RESOLUTION OF THE FORT WAYNE  
ECONOMIC DEVELOPMENT COMMISSION

WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer"), is authorized by I.C. 18-6-4.5 (the "Act") to issue revenue bonds for financing of economic development facilities, the funds from said financing to be used for the acquisition, construction and equipping of said facilities, and said facilities to be either sold or leased to another person or directly owned by another person; and

WHEREAS, Country Roads, Inc. and Don Ehlerding Kawasaki, Inc., two Indiana corporations (the "Applicant") have advised the Fort Wayne Economic Development Commission and the Issuer that it proposes that the Issuer either acquire, construct, and equip an economic development facility and sell or lease the same to the Applicant or loan proceeds of an economic development financing to the Applicant for the same, said economic development facility to be an 11,000 square foot building for the retail sales and service of motorcycles and snowmobiles, including the real estate on which it is to be located at 6119 and 6129 U.S. 30 East, Fort Wayne, Indiana (the "Project"); and

WHEREAS, the diversification of commercial activity and an increase in approximately 5 job opportunities with an annual payroll of \$70,000.00 to be achieved by the acquisition, construction and equipping of the Project will be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of public benefit to the health, safety and general welfare of the Issuer and its citizens; and

WHEREAS, the competitive effect of the acquisition and construction of the facility on any other similar facility already constructed or operating in or about Fort Wayne, Indiana has been examined by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Fort Wayne Economic Development Commission:

1. It finds and determines that the promotion of diversification of economic development and job opportunities in and near Fort Wayne, Indiana and in Allen County, is desirable to preserve the health, safety and general welfare of the citizens of the Issuer; and that it is in the public interest that this Commission and the Issuer take such action as it lawfully may to encourage diversification of commercial activity and promotion of job opportunities in and near said Issuer.

2. It further finds and determines that the issuance and sale of revenue bonds in an amount not to exceed \$350,000.00 of the Issuer under the Act for the acquisition, construction and equipping of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for such purposes referred to above, in accordance with the Act.

3. In order to induce the Applicant to proceed with the acquisition, construction and equipping of the Project, this Commission hereby determines that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof, provided that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant; (ii) it will adopt such resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development bonds.

4. All costs of the Project incurred after the passage of this inducement resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for planning, engineering, interest paid during construction, underwriting expenses,

attorney and bond counsel fees, acquisition, construction and equipping of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter either sell or lease the same to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the same Project.

Adopted this 26th day of September, 1980.

FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION

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(Wayne P. Simerman)

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(Louis R. Dinwiddie)

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(Donald B. Fisher)

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(Jack Gren)

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(Sidney R. Sheray)





Jack G Suter • executive director • 219-423-7096

allen county plan commission • 630 city-county building • one main street • fort wayne, indiana • 46802

October 1, 1980

John E. Hoffman, Esq.  
1212 Anthony Wayne Bank Bldg.  
Fort Wayne, Indiana 46802

Dear John:

We have reviewed the Economic Development Commission's report for Country Roads, Inc., regarding a 11,000 sq. ft. retail facility at 6119 and 6129 U.S. 30 East.

The project is properly zoned for the proposed use and we would approve same upon meeting all requirements of the C-4(P) zoning district.

Cordially,

A handwritten signature in dark ink, appearing to read "JGS", is written over the typed name.

Jack G. Suter

JGS:LW

## Memorandum

To Economic Development Commission Date Sept. 26, 1980  
From Kathy Moses *KM*  
Subject Country Roads, Inc. and Don Ehlerding Kawasaki, Inc. EDC Bond

COPIES TO:

File

The proposed expansion of Ehlerding Kawasaki, Inc. does comply with the goals of the Allen County Overall Economic Development Program. It will increase the County's tax base and create five new jobs at a cost per job of \$70,000. The project will not increase the tax base of the City of Fort Wayne since it is not located within the City limits.

Contained in the forthcoming Fort Wayne Comprehensive Plan are several policies relating to land use. Specifically, this project complies with those policies since the development is within the Urban Service Area and is located in an area where commercial use is to be encouraged. In addition, the project will be served by existing public facilities and will be supportive of existing development in the area.

Since the project is located outside the Fort Wayne corporate limits, the City has no jurisdiction on the zoning.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

September 25, 1980

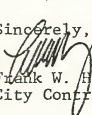
TO: Economic Development Commission

RE: EDC Application of Country Roads, Inc. and Don Ehlerding  
Kawasaki, Inc.

I have reviewed the application and financial statements of the  
above named applicant.

I find no problems with these documents which should deter action  
by the Commission.

Sincerely,



Frank W. Heyman  
City Controller

Attachment  
FWH/kme

REPORT OF THE FORT WAYNE ECONOMIC DEVELOPMENT  
COMMISSION CONCERNING THE PROPOSED FINANCING  
OF ECONOMIC DEVELOPMENT FACILITIES FOR  
COUNTRY ROADS, INC. and DON EHLERDING KAWASAKI, INC.

Having been furnished certain data by the above applicant, and having had discussions with representatives of said applicant, the Fort Wayne Economic Development Commission now submits the following report pursuant to Indiana Code 18-6-4.5-16.

Description of Proposed Facilities:

11,000 sq. ft. building for a retail motorcycle and snowmobile sales  
and service center, 6119 and 6129 U.S. 30 East, Fort Wayne, Indiana.

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Estimate of Public Services Required:

All public services, including water and sewage, now exist. No public facilities will be made necessary on account of the proposed facilities.

Total Project Cost:

The total project cost for the purchase, construction and equipping of the facilities is estimated to be \$ 350,000.00, including costs of issuance of the economic development revenue bonds.

Number of Jobs and Estimated Payroll:

It is anticipated there will be approximately 5 new jobs created by this project with an estimated payroll increase of approximately \$ 70,000.00 annually.

Adverse Competitive Effect:

The construction of the facilities will not have an adverse competitive effect on any similar facilities already constructed or operating in or near Fort Wayne, Indiana.

Dated this 26th day of September, 1980.

  
(Wayne P. Simerman)

  
(Jack Bren)

  
(Louis R. Dinwiddie)

  
(Sidney R. Sheray)

  
(Donald B. Fisher)

Mr. Simerman:

This bill is being returned to the Economic Development Commission for further study and for additional recommendations to the City Council re: the attorney's request that the amount of the bond be raised from \$350,000 to \$450,000, and that the proposed development site include either 5700 US 30 E or 7418 US 30 E. Mr. Baker, attorney for the project, will contact the EDC re: the exact location change requested.

Please advise me, or the City Clerk's Office, as to the procedure you believe we should follow relative to the proposed changes in this bill.

Sincerely,



Vivian G. Schmidt  
President of the City Council

**DeVOSS, SCOTT & JOHNSON**

ATTORNEYS AT LAW  
147 SOUTH SECOND STREET  
P. O. BOX 30

DECATUR, INDIANA 46733

TELEPHONE: (219) 724-2129

JAY M. DeVOSS  
HARRY W. SCOTT  
JOSEPH M. JOHNSON  
TIMOTHY E. BAKER

L. C. DeVOSS  
1848-1925  
HUBER M. DeVOSS  
1878-1944  
JOHN L. DeVOSS  
1910-1974

October 26, 1981

The Honorable Charles W. Westerman  
Clerk of the City of Fort Wayne  
First Floor City County Building  
Fort Wayne, Indiana 46802

In Re: Country Roads, Inc. and  
Don Ehlerding Kawasaki, Inc.  
Application for the Issuance  
and Sale of \$350,000 Economic  
Development Revenue Bonds of  
the City of Fort Wayne

Dear Mr. Westerman:

This letter is to inform you that the above-said applicants, Country Roads, Inc. and Don Ehlerding Kawasaki, Inc., request that you withdraw from further consideration Resolution No. R-80-10-11 which was introduced before the Common Council of the City of Fort Wayne, Indiana on October 14, 1980. The Project referred to in the original application filed with the Fort Wayne Economic Development Commission and referred to in the above-said resolution introduced before the Common Council of the City of Fort Wayne, Indiana, was substantially changed and has since been completed. Thus, we would sincerely appreciate you removing from further consideration by the Common Council of the City of Fort Wayne, Indiana, said application and resolution.

If you have any questions with regard to the above, please feel free to contact me at your convenience. Thanking you in advance for your cooperation with regard to the above, I am

Sincerely yours,

DEVOSS, SCOTT & JOHNSON



Timothy E. Baker  
Attorneys for Country Roads, Inc.  
and Don Ehlerding Kawasaki, Inc.

TEB:ajs

cc: Debra Shell  
Bruce Boxberger

DIGEST SHEET

2-80-10-11

TITLE OF ORDINANCE: Inducement Resolution for an issue of \$350,000.00

DEPARTMENT REQUESTING ORDINANCE: Economic Development Commission

SYNOPSIS OF ORDINANCE: an 11,000 square foot building for the retail  
sales and service of motorcycles and snowmobiles; including real estate  
on which it is to be located at 6119 and 6129 U.S. 30 East, Fort Wayne,  
Indiana on application of Country Roads, Inc. and Don Ehlerding Kawasaki,  
Inc.

EFFECT OF PASSAGE: The construction of a building creating 5 new jobs  
with an estimated payroll of approximately \$70,000.00.

EFFECT OF NON-PASSAGE: None of the above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): None.

ASSIGNED TO COMMITTEE: Finance